

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LORIE DUFF,

Plaintiff,

v.

FRONTIER AIRLINES, INC. AND
ABM AVIATION, INC.,

Defendants.

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CIVIL CASE NO. 4:20-cv-03430

DEFENDANT FRONTIER AIRLINES, INC.'S
RULE 26(a)(1) DISCLOSURES

TO: Plaintiff, Lorie Duff, by and through her attorney of record, Kevin A. Forsberg, THE FORSBERG LAW FIRM, P.C., 15899 Highway 105 West, Montgomery, Texas 77356.

Defendant Frontier Airlines, Inc. (referred herein as “Frontier”), by and through its undersigned attorneys, make the following initial disclosures in accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure.

I. PRELIMINARY STATEMENT

Frontier’s factual investigation is ongoing. The following disclosures are made based on the information reasonably available to Frontier as of the date of this disclosure below. By making these disclosures, Frontier does not represent that it is identifying every possible witness likely to have discoverable information that Frontier may use to support its claims or defenses, nor does Frontier represent that it is disclosing every possible document, data compilation or tangible thing that Frontier may use to support its claims or defenses. Rather, Frontier represents its good faith effort to identify information subject to the disclosure requirements of Rule 26(a)(1).

Accordingly, Frontier reserves the right to supplement, amend, and correct all or any part of these initial disclosures and to produce additional information during the discovery process, as

it becomes known, or as circumstances warrant. Furthermore, Frontier does not waive its right to object to production of any document or tangible thing on the basis of any privilege, the work product doctrine, relevancy, undue burden, or any other valid objection.

II. DISCLOSURES

A. Persons Likely to Have Discoverable Information that Frontier May Use to Support its Claims and Defenses

Subject to Frontier's Preliminary Statement, the following individuals or entities are likely to have discoverable information in support of its claims and defenses in this matter:

1. **Lorie Duff** c/o Kevin Forsberg, Esq., THE FORSBERG LAW FIRM, P.C., 15899 Hwy 105 West, Montgomery, Texas 77356, (936) 588-6226. Lori Duff is the Plaintiff and her relatives, friends, associates, neighbors, employers, co-workers, fellow passengers and any other individuals with discoverable information relevant to the case, including those who may have information regarding Ms. Duff's respective medical, occupational, family, and lifestyle histories. Frontier does not know the names or addresses of these individuals at this time, but such information may be known by Plaintiff and her counsel.
2. **Plaintiff's treating physician(s)** who may have information regarding Plaintiff's respective medical history and condition(s), treatment, diagnoses, and claimed injuries or damages. Defendant does not know the names or addresses of these individuals at this time, but such information may be known by Plaintiff or her counsel.
3. **Frontier Airlines, Inc.** c/o Patrick J. Comerford, RIGBY SLACK LAWRENCE BERGER AKINC PEPPER + COMERFORD PLLC, 3500 Jefferson Street, Suite 330, Austin, Texas 78731, (512) 782-2060. Frontier Airlines, Inc. is a Defendant.

Current and previous employees of Frontier may have knowledge and information of Frontier Flight #2138 from Las Vegas to Houston on March 5, 2020.

4. **ABM Aviation, Inc.** and Custodian of Records, c/o Marc Michael Rose, ROSE LAW GROUP, PLLC, 777 Main Street, Suite 600, Fort Worth, Texas 76102, (817) 887-8118. ABM Aviation, Inc. is a Defendant. Current and previous employees and Custodian of Records for ABM Aviation, Inc. have knowledge and information relating to the incident that occurred on March 5, 2020 upon arrival of passengers and de-boarding of Frontier Flight #2138 from Las Vegas to Houston.
5. **George Bush International Airport** and Custodian of Records, 2800 N. Terminal Road, Houston, Texas 77032, (281) 230-3100. Current and previous employees and Custodian of Records for George Bush International Airport and/or the Transportation Security Administration may have knowledge and information relating to the arrival of passengers and de-boarding of Frontier Flight #2138 from Las Vegas to Houston on March 5, 2020.
6. **Emergency Medical Services/First Responders** and Custodian of Records may have information regarding Plaintiff's claimed injuries or damages sustained. Defendant does not know the name or address of the EMS or individuals at this time, but such information may be known by Plaintiff or her counsel.
7. Any other person that further investigation and discovery may reveal.
8. Any person identified in any of the Plaintiff's initial disclosures.

Frontier reserves the right to list additional witnesses revealed during discovery, and to call at trial any witnesses, whether or not they are listed above, including individuals previously deposed.

Frontier incorporates by reference the names of any persons disclosed by Plaintiff through disclosures, answers to interrogatories, responses to document requests, pleadings or otherwise.

B. Documents, Electronically Stored Information, and Tangible Things

Frontier may use documents such as those described below, if they are determined to exist and/or to be available and relevant to support its claims or defenses, unless solely for impeachment:

1. Documents produced in discovery by Plaintiff in this action.
2. Plaintiff's medical and non-medical records, including employment, tax and/or disability, pharmacy, educational, criminal and/or financial records.
3. Journals, datebooks, diaries, or other documents in any media, including digital and social media, relating to Plaintiff's claims, diagnosis, treatment, prognosis, activities, appointments, and damages.
4. Any other records of Plaintiff that are not specifically referenced above.
5. Any records identified by Plaintiff in Plaintiff's initial disclosures.
6. Any records identified by Defendant ABM Aviation, Inc. in Defendant's initial disclosures.
7. All depositions taken in this action.
8. Exhibits attached to pleadings and motions filed by Plaintiff and Defendants in this action.

This list is not exhaustive. Frontier expects that the parties will work toward an agreement on the scope of additional productions and if needed a Protective Order that will allow for the production of additional materials. Frontier reserves the right to supplement and/or revise the above as this matter progresses and additional documents are discovered, in accordance with the Federal Rules of Civil Procedure.

Subject to the above, please see attached document bates labeled:

Frontier 00001-9.

C. Computation of Damages

Frontier's preliminary categorization and computation of damages claimed in this action is as follows: None at this time.

Frontier reserves the right to supplement and/or revise the above as this matter progresses and additional information is discovered, in accordance with the Federal Rules of Civil Procedure.

D. Insurance Agreements

Frontier is covered for this alleged loss by a policy of insurance issued by AIG Aerospace Insurance Services, Inc. in an amount well in excess of any potential recovery herein.

Frontier will supplement these disclosures and will identify all experts together with any written report prepared and signed by such expert that Frontier may call at trial in accordance with Rule 26(a)(2) of the Federal Rules of Civil Procedure.

Dated: February 5, 2021

Respectfully submitted,

**RIGBY SLACK LAWRENCE BERGER
AKINC PEPPER + COMERFORD, PLLC**

By: /s/ Patrick J. Comerford
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**ATTORNEYS FOR DEFENDANT
FRONTIER AIRLINES, INC.**

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of this document has been served via email on the 5th day of February 2021.

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/s/ Patrick J. Comerford
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